

DIVISION 1

COURT ORGANIZATION AND GOVERNANCE

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Chapter 1**Governance****RULE 100. CITATION AND EFFECT OF RULES**

These rules shall be known and cited as the "Orange County Superior Court Rules" and shall at all times be supplementary to and subject to statutes, the California Rules of Court, and any rules adopted by the Judicial Council and shall be construed and applied so they do not conflict with such rules and statutes. These rules shall supersede all rules previously adopted as the Coordinated Trial Courts of Orange County Rules which are hereby repealed in their entirety as of the date these rules become effective.

(Adopted effective July 1, 1998; revised effective September 1, 1998)

RULE 102. (VACATED)

(Adopted effective July 1, 1998; vacated effective September 1, 1998)

RULE 104. (VACATED)

(Adopted effective July 1, 1998; vacated effective September 1, 1998)

RULE 106. (VACATED)

(Adopted effective July 1, 1998; vacated effective September 1, 1998)

RULE 108. (VACATED)

(Adopted effective July 1, 1998; vacated effective September 1, 1998)

RULE 110. GOVERNANCE

Pursuant to the provisions of Article VI, Section 5 of the California Constitution and Government Code, title 8, chapter 5.1(commencing with section 70200) relating to unification, California Rules of Court, and Orange County Superior Court Rule 156, the current Presiding Judge, Assistant Presiding Judge, and members and alternate members of the Executive Committee, shall provide for the governance of the newly constituted Superior Court of California, County of Orange. The Presiding Judge and Assistant Presiding Judge elected pursuant to this rule shall serve upon their election through December 31, 1999. The members and alternate members of the Executive Committee elected pursuant to this rule shall serve upon their election through June 30, 1999.

This rule shall be repealed on December 31, 1999.

(Adopted effective September 1, 1998)

RULE 112. ADOPTION OF RULES, POLICIES, PROCEDURES AND FORMS**A. Purpose**

The effective administration of the court requires that all rules, policies, procedures and forms required for conducting the business of the court, its various calendars and special divisions and departments be formally approved and adopted.

The following may be submitted to the Rules and Forms Committee by the Presiding Judge and/or Executive Committee for review:

1. Any proposed rule, policy or procedure or change to an existing rule, policy or procedure relating to the handling of the business of any calendar, or special division or department including the method of distribution of business between calendars, or special divisions or departments and any other calendar, or special division or department of the Coordinated Trial Courts;
2. Any proposed form or change to a printed local court form currently in use;

B. Procedure for Adoption or Amendment

1. Rules. A proposed rule or amendment to an existing rule shall be submitted to the Rules and Forms Committee. The Rules and Forms Committee shall report its findings and recommendations to the Presiding Judge who shall then place the matter on the agenda of the next regularly scheduled General Meeting of the judges of the Court for further consideration, or shall submit the proposed rule or amendment thereof to the judges of the court by written ballot. Such ballots must be placed in a sealed envelope and delivered to the Presiding Judge or Executive Officer/Clerk of the Court as directed at the time of circulation of the ballots and proposed amendments. A majority vote of the judges shall be necessary to adopt an amendment to the rules.
2. Policies and Procedures. If a proposed policy, procedure or amendment to an existing policy or procedure is referred to the Rules and Forms Committee, it shall report its findings and recommendations to the Presiding Judge.
3. Forms. A proposed form or amendment to an existing form shall be submitted to the Rules and Forms Committee for review and adoption. Approved forms shall be published by the Court in accordance with this rule.

C. Publication

1. Upon adoption, any rule, or amendment thereto shall be certified by the Presiding Judge and published in accordance with Section 68071 of the Government Code and of the California Rules of Court.
2. Policies and procedures shall be placed in a division of these rules.
3. Each judge shall be provided with an up-to-date copy of the Court Rules. Revisions will be distributed by the Court under cover of a transmittal letter, sequentially numbered, indicating the type of revision.
4. The Court shall maintain a copy of all rules, policies or procedures for public inspection as well as provide at an appropriate fee which covers

all costs, copies of said rules, policies and procedures for purchase by attorneys and the public and shall be maintained on the Court's web page.

5. Superior Court forms shall be printed and stocked for purchase under direction of the Executive Officer/Clerk of the Court.

(Adopted effective March 1, 1985; revised effective September 1, 1993; revised effective July 1, 1998; revised effective September 1, 1998)

Chapter 2

Presiding Judge and Assistant Presiding Judge (Selection and Authority)

RULE 150. PRESIDING JUDGE

The Court shall be supervised by a Presiding Judge who is elected by a majority vote of the judges of this Court. The Presiding Judge so elected shall be designated as Presiding Judge Elect for the period July 1 through December 31 immediately following his/her election and will preside for the calendar year following his/her election.

The Presiding Judge shall administer the Court in conformity with the powers vested in the office by the California Rules of Court.

The Presiding Judge shall appoint such standing and special committees of judges as deemed advisable and necessary for the proper administration of the Court. The Presiding Judge may participate as an ex officio member of such committees.

(Revised effective May 15, 1984; revised effective July 1, 1988; revised effective September 1, 1998)

RULE 152. NOMINATION AND ELECTION PROCESS - PRESIDING JUDGE

The Presiding Judge shall be selected in the following manner:

- A. A judge wishing to place his/her name in nomination for the office of Presiding Judge of the Superior Court shall file nomination papers with the Executive Officer/Clerk of the Court between May 15 and May 31 of each year.
- B. Nomination papers for the office of Presiding Judge of the Superior Court must include the signatures of 20% of the sitting judges of the Superior Court. Judges may sign more than one nomination paper.
- C. The Executive Officer/Clerk of the Court shall prepare a ballot consisting of those judges filing nomination papers. The ballot shall be distributed at the judges meeting at which the Presiding Judge shall be elected. Following any ballot which includes three or more candidates, if no candidate has received a majority vote, the candidate with the lowest number of votes shall be dropped from each succeeding ballot until the names of

only two candidates remain. Balloting will continue until one candidate receives a majority vote of the judges of the Court.

- D. The election of a Presiding Judge shall take place at the regular June Judges Meeting of each year, and the election shall be by secret ballot.

(Adopted effective May 15, 1984; revised effective July 1, 1988; revised effective May 1, 1994)

RULE 154. ASSISTANT PRESIDING JUDGE

An Assistant Presiding Judge shall be elected annually by a majority vote of the judges of this Court, to serve during the calendar year following his or her election.

The Assistant Presiding Judge may be elected to a consecutive term of office, and may be a candidate for the office of Presiding Judge.

The Assistant Presiding Judge shall have the responsibility for such duties as are delegated to him/her by the Presiding Judge. The Assistant Presiding Judge shall also, during the absence or inability to act of the Presiding Judge, be the Acting Presiding Judge of the Superior Court, and exercise the powers and carry out the duties of the Presiding Judge as prescribed by law and court rules.

The Assistant Presiding Judge shall serve as an ex-officio voting member of the Executive Committee and of all standing and special committees to which he or she is appointed by the Presiding Judge.

(Adopted effective May 15, 1984; revised effective July 1, 1988; revised effective May 1, 1996)

RULE 156. NOMINATION AND ELECTION PROCESS - ASSISTANT PRESIDING JUDGE

The Assistant Presiding Judge shall be selected in the following manner:

- A. A judge wishing to place his/her name in nomination for the office of Assistant Presiding Judge of the Superior Court shall file nomination papers with the Executive Officer/Clerk of the Court between May 15 and May 31 of each year.

- B. Nomination papers for the office of Assistant Presiding Judge of the Superior Court must include the signatures of 20% of the sitting judges of the Superior Court. Judges may sign more than one nomination paper.
- C. The Executive Officer/Clerk of the Court shall prepare a ballot consisting of those judges filing nomination papers. The ballot shall be distributed at the judges meeting at which the Assistant Presiding Judge shall be elected. Following any ballot which includes three or more candidates, if no candidate has received a majority vote, the candidate with the lowest number of votes shall be dropped from each succeeding ballot until the names of only two candidates remain. Balloting will continue until one candidate receives a majority vote of the judges of the Court.
- D. The election of an Assistant Presiding Judge shall take place at the regular June Judges Meeting of each year, and the election shall be by secret ballot.

(Adopted effective May 15, 1984; revised effective July 1, 1988; revised effective May 1, 1994; revised effective August 1, 1998; revised effective September 1, 1998)

RULE 157. CANDIDACY

No judge may be a candidate for Presiding Judge and Assistant Presiding Judge during the same election period.

(Adopted effective September 1, 1998)

RULE 158. ACTING PRESIDING JUDGE

Unless the Presiding Judge has, pursuant to Rule 205, California Rules of Court, designated a different judge to act as the Acting Presiding Judge when both the Presiding Judge and Assistant Presiding Judge are absent or unable to act, the past Presiding Judge who most recently served as such and is present and able to act shall be the Acting Presiding Judge. If there is no past Presiding Judge present and able to act, the senior judge present and able to act shall serve as the Acting Presiding Judge.

(Adopted effective May 15, 1984; revised effective July 1, 1988; revised effective September 1, 1998)

RULE 160. SPECIAL ELECTIONS - PRESIDING JUDGE AND ASSISTANT PRESIDING JUDGE

If, for any cause, the office of Presiding Judge or Assistant Presiding Judge becomes unoccupied during any year, a Special Election shall be called by the Presiding Judge or Acting Presiding Judge within 60 days to fill the vacancy. The notice of special election shall provide for a nomination period of at least two weeks duration during the month prior to the election, which special election shall be conducted in accordance with the foregoing rules.

(Adopted effective July 1, 1988)

RULE 162. TEMPORARY JUDGES

Duty to Decide Causes in Timely Manner.

Temporary Judges (Judges Pro Tempore) sitting on the Superior Court by Stipulation of the parties litigant pursuant to Article VI, Section 21 of the California Constitution shall also comply with Article VI, Section 19 of the California Constitution, requiring that all causes shall be decided within 90 days after being submitted for decision. The failure of a Temporary Judge to comply with this Rule shall constitute good cause for the Presiding Judge to revoke the order designating Temporary Judge filed pursuant to Rule 244, California Rule of Court. A cause is deemed submitted as provided in Rule 825, California Rules of Court.

(Adopted effective August 1, 1989)

Chapter 3

Executive Committee (Selection and Authority)

RULE 164. AUTHORITY OF THE EXECUTIVE COMMITTEE

There shall be an Executive Committee of Judges, which shall have authority to act for the entire Court, except for election of the Presiding Judge, Assistant Presiding Judge and members of the Executive Committee, and amendments to these rules. The Executive Committee shall also serve as the Personnel and Budget Committee of the Superior Court.

The Executive Committee shall consist of the Presiding Judge, the Assistant Presiding Judge, two non-voting liaison members elected by the Court's full-time Commissioners and Referees, and such other members as shall be selected pursuant to Rule 166.

(Renumbered and revised effective March 15, 1984; revised effective July 1, 1988; revised effective January 1, 1991; revised effective May 1, 1996; revised effective September 1, 1998)

RULE 166. SELECTION OF EXECUTIVE COMMITTEE

- A. The Executive Committee of the Court shall be elected at the regular Judges Meeting in June of each year and shall serve for the period of July 1 to June 30 immediately following its election.
- B. A judge wishing to be considered for election as a member or alternate member of the Executive Committee shall between May 15 and May 31 of each year indicate his/her interest in writing to the Chief Executive Officer. The Chief Executive Officer will prepare a ballot indicating the names of the judges expressing an interest in serving on the Executive Committee. The ballot will be distributed for consideration at the meeting at which the Executive Committee is to be selected. Nominations for the Executive Committee will also be accepted from the floor during the meeting.
- C. For the purpose of selecting the members and alternate members of the Executive Committee, the Presiding Judge shall declare the order of seniority of the judges of the Court as it exists on the first day of the nomination. The judges shall then be divided into nine voting groups based on seniority as declared by the Presiding Judge and each group shall select one member and one alternate

member. Absentee voting for members and alternate members shall be permitted.

- D. If the total number of judges as declared by the Presiding Judge is divisible by 9, the number of judges in each group will be equal; but if the total number of judges is not divisible by 9, the number in each voting group shall be augmented by one member in ascending order of seniority. (For example: 110 judges divided by 9 = 12 judges with an excess of 2. The number in the voting groups in ascending order of seniority would be 13-13-12-12-12-12-12-12. Any judge assuming office between the commencement of the nomination and the date of the election shall be added to the group of lowest seniority for voting purposes at the election.
- E. Seniority shall be determined by the date when the oath of office is filed following the first election, appointment, or elevation of the judge to the Superior Court bench. In cases where judges have identical filing dates, seniority shall be determined alphabetically. An exception to this rule is hereby made for those judges who have become judges of this court as a result of unification. Initial seniority among this group of new Superior Court judges shall be determined by filing date of oath of office in the municipal court and shall become effective on the date of unification. In cases where judges have identical filing dates, seniority shall be determined alphabetically.
- F. The full-time Commissioner/Referee shall elect two members and one alternate member to serve as non-voting liaison member or alternate members of the Executive Committee. A full-time Commissioner/Referee wishing to be considered for election as a non-voting liaison member or alternate member of the Executive Committee shall between May 15 and May 31 of each year indicate his/her interest in writing to the Chief Executive Officer. The Chief Executive Officer will prepare a ballot indicating the names of the Commissioners/Referees expressing an interest in serving on the Executive Committee. The ballot will be distributed for consideration at the meeting in which the Executive Committee is to be selected. Absentee voting for the member and alternate member shall be permitted.
- G. In the absence of a member of the Executive Committee, the alternate shall serve. Alternates shall be elected in the same manner as members.

(Revised effective May 15, 1984; revised effective July 1, 1988; revised effective January 1, 1991; revised effective May 1, 1996;

revised effective August 1, 1998; revised effective September 1, 1998; revised effective July 1, 1999)

RULE 168. MEETINGS OF THE JUDGES FOR SELECTION OF PRESIDING JUDGE, ASSISTANT PRESIDING JUDGE, EXECUTIVE COMMITTEE

- A. Regular meetings of the Executive Committee shall be conducted monthly at times noticed by the Presiding Judge. Regular meetings for any month may be dispensed with by the Executive Committee or the Presiding Judge.
- B. A quorum of the judges at a meeting of the Judges of the Superior Court for the selection of Presiding Judge, Assistant Presiding Judge and members and alternate members of the Executive Committee shall be a majority of its members. There shall be no proxy voting in the selection of the Presiding Judge, Assistant Presiding Judge and members and alternate members of the Executive Committee. Absentee voting shall be allowed. Such absentee ballots must be in writing, placed in a sealed envelope and delivered to the Presiding Judge or Executive Officer/Clerk of the Court prior to the meeting at which the ballots are to be counted. Absentee ballots may contain an expression of preference setting forth the order of preference. Such ballots shall be cast in each balloting in favor of the candidate assigned the highest preference on the absentee ballot who still remains on the ballot.

(Renumbered effective March 15, 1984; revised effective July 1, 1988; revised effective July 1, 1990; revised effective May 1, 1994; revised effective January 1, 1995; revised effective October 1, 1996; revised effective July 1, 1998)

RULE 170. MEETINGS OF THE EXECUTIVE COMMITTEE

- A. The Executive Committee shall meet regularly at least once a month, unless dispensed with for good cause by the Presiding Judge or majority vote, and such meetings shall be open to attendance by all judges.
- B. The Presiding Judge shall serve as Chair of the Executive Committee. In the absence of the Presiding Judge, the Acting Presiding Judge shall serve as Chair.
- C. Within ten court days after each meeting of the Executive Committee, the Presiding Judge shall cause the minutes of the meeting to be published to all judges.

- D. A quorum of the Executive Committee shall be a majority of its members, including the Presiding Judge and Assistant Presiding Judge who may vote in all cases.
- E. There shall be no absentee or proxy voting at Executive Committee meetings.
- F. Any action taken by the Executive Committee shall be vacated immediately upon filing with the Presiding Judge the written request of 10% of the total number of sitting judges of the court made within 10 court days of publication of the minutes pursuant to Rule 170 C, and the Presiding Judge shall place the subject matter on the agenda for consideration of the next meeting of all the judges.

(Renumbered and revised effective March 15, 1984; revised effective July 1, 1988; revised effective January 1, 1995; revised effective October 1, 1996; revised effective September 1, 1998)

RULE 172. (VACATED)

(Renumbered and revised effective March 15, 1984; revised effective March 1, 1992; vacated effective September 1, 1998)

RULE 190. (VACATED)

(Effective July 1, 1998; vacated effective September 1, 1998)

RULE 191. (VACATED)

(Effective July 1, 1998; vacated effective September 1, 1998)

RULE 192. (VACATED)

(Effective July 1, 1998; vacated effective September 1, 1998)

RULE 194. (VACATED)

(Effective July 1, 1998; vacated effective September 1, 1998)